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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/376,651 08/18/99 ADYAMA

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024033 MM91/0828  
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EXAMINER

CONF. D

ART UNIT

PAPER NUMBER

2854

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.

09/376,651

Applicant(s)

AOYAMA, NOBORU

Examiner

Darius N. Cone

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2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Falco et al (US patent #5,088,848).

With respect to claims 2, 10 & 18, De Falco et al. teach feed assistance rollers (45, 47) contacting a record medium, a shaft portion (Fig. 3) supports the align rollers in a bracket (60), while aligning the medium in a path towards the print zone. De Falco also teach a feed assistance rollers (74) (Fig. 3) keyed on shaft (76), which are not vertically aligned with any align roller rotatable and able to apply pressure on a record medium. It would have been obvious to one ordinary skilled in the art to use an align rollers, along with feed assistance roller supported in a bracket to decrease sheer force exerted on the medium, using the frictional force created by the align and feed assistance rollers to improving feeding of a different size, stacked sheets or a print

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medium of different thicknesses, while increasing printing efficiency and minimizing cost.

With respect to claims 3, 12, 21, 26, 28 & 31, De Falco teaches align roller (47 or Fig. 1) positioned vertically and align roller (59) positioned laterally (see De Falco, Figs 1 & 3).

With respect to claims 4, 13 & 22, see feed rollers (55, 46) (De Falco, Fig. 1,).

With respect to claims 5 & 14, (see align roller (47) of De Falco, Fig. 1).

With respect to claims 6 & 15, De Falco teaches brackets (60) for align roller (59) and align roller (47) disposed in grooves of the brackets (see De Falco, Fig. 3).

With respect to claims 7 & 16, (see De Falco, col. 2, lines 41-49).

With respect to claims 8 & 17, (see De Falco, col. 2, lines 49-65, Fig. 3).

With respect to claim 9, 11 & 24. It would have been obvious choice to select any medium necessary for feeding or printing.

With respect to claims 19, 23, 25, 27, 29 & 30, (see De Falco, col. 2, lines 49-65, Fig. 3).

With respect to claim 20, (see DeFalco et al., col. 2, lines 33-39).

With respect to claims 32-37, (see DeFalco et al., col. 2, lines 60-68; col. 3, lines 1-9).

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### ***Conclusion***

#### ***Response to Arguments***

Applicant's arguments filed 6-4-2001 have been fully considered but they are not persuasive.

In response to applicant's argument that neither reference teach claimed invention the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Applicant's arguments center around the motivation to combine references and the teaching associated with each reference relevant to the invention. Examiner does agree that the modification from Park would place the idlers of DeFalco in a vertical plane away from the align rollers. The Examiner has therefore removed the reference to Park and has solely relied on the reference to DeFalco et al. who teach the feed assistance roller structure and the align roller structure. Examiner believes the patent to De Falco teach the structure of an align roller able to rotate freely in contact with a feed roller for feed assistance which is obvious and known in the printing art. DeFalco demonstrates the positioning of the feed rollers and align rollers, which help move and

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apply pressure along with the feed roll to the paper depending on the thickness both facts, which are well known in the art.

Claims 2, 10 and 18 were all rejected by DeFalco et al. and the Examiner has examined the dependent claims in their broadest limitation and believes that based on the prior art discloses pertinent structure, which cannot be allowable over the prior art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darius N. Cone whose telephone number is (703) 308-1061. The examiner can normally be reached on 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S. Hilten can be reached on (703) 308-0791. The fax phone numbers


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for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and n/a for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

August 24, 2001



JOHN S. HILTEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800